

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN KINFORD,

Plaintiff,

v.

JAMES PINCOCK, et. al.,

Defendants.

Case No. 3:15-cv-00512-RCJ-WGC

ORDER

Re: ECF No. 17

Before the court is Plaintiff's Motion for Corrections Based on Clerical Mistakes; Oversights and Omissions Under Rule 60(a). (Electronic Case Filing (ECF) No. 17.)

In this motion, Plaintiff states that the case was originally filed in State court, and due to his failure to understand how to word things, the case was moved to federal court. He indicates that he mistakenly used the "under color of law" language in his complaint. He appears to state that instead of using this language and referencing the Eighth Amendment, the complaint should refer to the medical malpractice standard. He would like to "fix" this, referencing Federal Rule of Civil Procedure 60(a).

Rule 60(a) permits the court to "correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record." Rule 60 provides a mechanism to seek relief from a judgment or order. It is not used to amend pleadings, as Plaintiff seeks to do here. Instead, the proper mechanism is to file a motion for leave to amend under Rule 15. Plaintiff has separately filed such a motion, which the court will address in a separate order. As a result, Plaintiff's motion (ECF No. 17) is **DENIED**.

IT IS SO ORDERED.

Dated: June 9, 2016


WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE